

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

4:10CR3052

Plaintiff

v.

**MEMORANDUM  
AND ORDER**

DA VAN CAO,

Defendant.

Defendant has filed a notice of appeal (filing [141](#)) but has not submitted the required appeal fee of \$455.00 or filed a motion to proceed in forma pauperis (IFP) on appeal. Defendant has not been determined to be financially unable to obtain an adequate defense in this criminal case, and therefore is not entitled to proceed IFP on appeal without express authorization. Accordingly, in response to the clerk's memo (filing [142](#)) requesting instructions with regard to processing the appeal,

IT IS ORDERED that:

- 1) Defendant, within 14 days from the date of this order, shall file with the clerk of the district court either the appeal fee of \$455.00 or, if appropriate, a motion to proceed in forma pauperis on appeal, with supporting affidavit as required by Fed. R. App. P. 24(a)(1); and
- 2) If Defendant does not comply with the aforesaid filing requirement, the clerk shall send a copy of this order and of the notice of appeal to the Clerk of the United States Court of Appeals for the Eighth Circuit pursuant to Fed. R. App. P. 24(a)(4)(C).

June 26, 2012.

BY THE COURT:

*Richard G. Kopf*

Senior United States District Judge